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From-PILLSBURY MADISON

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Intellectual Property Group of  
Pillsbury Madison & Sutro  
Attorneys at Law  
1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Telephone: (202) 861-3000

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In re PATENT APPLICATION of

Inventor(s) Farber et al

Appln. No. 09/612,598

Group Art Unit: 2756

Examiner: Almari ROMERO

series code ↑ ↑ serial no.

Filed: July 7, 2000

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TITLE: Optimized Network Resource  
Location

Date: November 7, 2000

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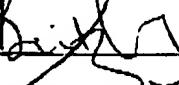
Attention Examiner ROMERO.

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**APPLICATION of FARBER et al. — Appln. No. 09/612,598**

The Request complied with 37 C.F.R. § 1.607. In the Request applicant copied claims (including all of the independent claims) from the '703 Patent into the present application [37 C.F.R. § 1.607(4)] and showed support for the copied claims in the present application.

"When an applicant seeks an interference with a patent, examination of the application, . . . shall be conducted with special dispatch within the Patent and Trademark Office." 37 CFR 1.607(b), emphasis added. MPEP 2307.

The MPEP lists special cases which should be "advanced out of turn for examination." MPEP 708.01 *List of Special Cases*. This application qualifies under paragraph (F) of the List of Special Cases<sup>1</sup> as an application which will be placed in interference with an unexpired patent.

**ONGOING LITIGATION RELATING TO THE '703 PATENT**

Applicant further advises the Commissioner that the alleged owner and the alleged exclusive licensee of the Leighton '703 Patent have brought suit in the District Court in Massachusetts against Digital Island, the owner of the present application, for alleged infringement of the '703 Patent. In view of the ongoing litigation relating to the '703 Patent, the applicant would like to resolve the issue of ownership of the invention with the utmost haste.

**THIS APPLICATION SHOULD BE ADVANCED OUT OF TURN FOR EXAMINATION.**

In view of the above, Applicant respectfully requests advancement of examination of this application and official notice to that effect.

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<sup>1</sup> "The following is a list of special cases (those which are advanced out of turn for examination):

(f) Applications which appear to interfere . . . or which will be placed in interference with an unexpired patent or patents (37 CFR 1.201)." MPEP 708.01 Pg. 700-65, col 2.